

MINUTE ENTRY

8:05 a.m.

UNITED STATES OF AMERICA -v- PEDRO Q. BABAUTA

PRESENT: Hon. Alex R. Munson

Sanae Shmull, Court Reporter

K. Lynn Lemieux, Courtroom Deputy

Timothy Moran, Assistant U. S. Attorney

G. Anthony Long, Attorney for Defendant

Pedro Q. Babauta, Defendant

PROCEEDINGS: JURY TRIAL - Day Four

Government by Timothy Moran, AUSA. Attorney G. Anthony Long was present on behalf and with defendant, Pedro Q. Babauta. Also present were Gary Guerra Special Agent for the EPA/Criminal Investigation Division. Twelve regular jurors and two alternates were present.

Witness MARIANO IGELCIAS was returned to the stand and Defense continued with CX. Government began RDX of witness Iglecias at 8:25 a.m. Attorney Long began RCX of witness Iglecias at 8:35 a.m. Witness was excused at 8:40 a.m.

Government called witness at 8:42 a.m.:

VINSON F. SABLAN (CUC Lab Technician). DX. Attorney Long began CX at 9:15 a.m. Witness was excused at 9:30 a.m.

Court recessed for morning break at 9:30 and reconvened at 9:54 a.m.

Government called witness:

JOYCE FEJERAN-CASTRO. (CUC - Admin. Technician).DX. CX. Witness was excused at 10:20 a.m.

Government called witness at 10:25 a.m.:

DEREK CHAMBERS. (DEQ - Drinking Water Program). DX. CX. RDX. Witness was excused at 10:40 a.m.

Government called witness:

GARY GUERRA. (U.S. EPA - Special Agent). DX.

Court recessed at 11:05 a.m. and reconvened 11:28 a.m.

Defense began CX of witness GARY GUERRA. Witness Guerra was excused at 11:30 a.m.

Government rested their case at 11:31 a.m.

Jurors were excused from the Courtroom.

Outside the presence of the jurors, Defense moved for Judgment of Acquittal as a matter of law on the matter of conspiracy. Government argued against the motion.

Court DENIED the motion. Defense moved for Judgment of Acquittal as a matter of law on the substantive issues (Counts 2-5). Government argued against the motion. Court DENIED the motion.

At 11: 50 a.m. jurors were brought back into the Courtroom and Defense began their case and called witness:

TIMOTHY VILLAGOMEZ. (CNMI Legislature - Vice Speaker). DX. Government began CX at 12:05 p.m. Witness was excused at 12:07 p.m.

Jurors were excused from the Courtroom.

Discussion was had with counsel about having witnesses here in a timely manner. Defense was requested to contact his witness and have her brought to the Court.

Court recessed at 12:10 p.m. and reconvened at 12:25 p.m.

Attorney Long moved the Court to give Defense until tomorrow morning to call the next witness as he was not able to get the witness to the Courtroom this afternoon. No argument from Government. Court so ordered.

Jurors were brought back into the Courtroom and excused for the afternoon, Further, jurors were ordered to return at 8:00 a.m. tomorrow morning to continue with the trial.

Adjourned 12:30 p.m.

; [KLL EOD 06/09/2005]